

FACTSHEET

TITLE: **COMPREHENSIVE PLAN AMENDMENT NO. 94-58**, requested by the Directors of Planning, Public Works & Utilities and the Parks & Recreation Departments, to amend Chapter IV (Transportation) of the 1994 Lincoln-Lancaster County Comprehensive Plan, to adopt the Boulevard Concept for Public Way Corridors and to incorporate the Lincoln Fringe Area Primary Public Way Corridor Study by reference.

STAFF RECOMMENDATION: Approval of the 140' corridor, as revised on September 6 and September 28, 2000.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 08/09/00; 09/06/00; 09/20/00; 10/04/00 and 10/18/00
Administrative Action: 10/18/00

RECOMMENDATION: Approval, with amendment to a **130'/120'** Corridor as opposed to 140' (9-0: Duvall, Krieser, Carlson, Steward, Hunter, Schwinn, Newman, Taylor and Bayer voting 'yes').

FINDINGS OF FACT:

1. The staff recommendation, as revised on 9/6/00 and 9/28/00, is set forth on p.6-7, and is based upon the "Analysis" as set forth on p.3-6. The Primary Public Way Corridor Study document is being provided under separate cover.
2. This proposal had five public hearings before the Planning Commission. The minutes of the Planning Commission hearings and action are found on p.8-32. The testimony in support is found on p.8-12; 15-17; 19-20; 22-23; and 26-27. The record consists of one letter in support from the Lancaster County Board of Commissioners on behalf of the Lincoln-Lancaster County Ecological Advisory Board (p.057).
3. Testimony in opposition is found on p.12-14; 17; 21; and 23-25, and the record consists of three letters in opposition (p.058-060).
4. While this proposal was pending on the Planning Commission agenda, the staff held five negotiation meetings with the representatives of the Home Builders Association, Lincoln Board of Realtors and the development community. Two public open houses were held, and this proposal has been reviewed by a number of agencies and organizations, including the Bicycle and Pedestrian Advisory Committee, Urban Design Committee, Community Forestry Advisory Board and the Parks & Recreation Advisory Committee.
5. On 9/06/00 and 9/28/00, the staff team submitted additional information and proposed revisions in response to the meetings held with the development community. The 9/06/00 Memorandum and accompanying documentation is found on p.041-047, and the 9/28/00 Memorandum and accompanying documentation is found on p.048-056. The amendments proposed on 9/06/00 and September 9/28/00 have been incorporated into the original Staff Report set forth on p.2-7 and 033-040. ***The staff recommendation, with revisions, continues to recommend the 140' corridor.***
6. After considerable discussion and debate, on October 18, 2000, the following action was taken by the Planning Commission:
 - A. Motion to approve the staff recommendation, as revised, with the 140' corridor failed 4-5 (See Minutes, Motion #1, p.28-29).
 - B. Motion to approve the staff recommendation, as revised, replacing the 140' corridor with the 130'/112' alternative failed 4-5 (See Minutes, Motion #2, p.29-30).
 - C. Motion to approve the staff recommendation, as revised, replacing the 140' corridor with the 130'/120' alternative failed 4-5 (See Minutes, Motion #3, p.30-31).
 - D. Motion to deny Comprehensive Plan Amendment No. 94-58 passed 5-4 (See Minutes, Motion #4, p.31).
 - E. Motion to reconsider passed 9-0 (See Minutes, Motion #5, p.31)
 - F. Motion, upon reconsideration, to approve the staff recommendation, as revised, replacing the 140' corridor with a 130'/120' alternative passed 9-0 (See Minutes, Motion #6, p.31-32).

FACTSHEET PREPARED BY: Jean L. Walker

REVIEWED BY: _____

REFERENCE NUMBER: FS\CC\FSCPA9458

DATE: October 23, 2000

DATE: October 23, 2000

W444

DATE: July 28, 2000

PROPOSAL: Request by the Directors of Planning, Public Works & Utilities, and the Parks & Recreation Department, to amend Chapter IV (Transportation) of the 1994 Lincoln-Lancaster County Comprehensive Plan to adopt the Boulevard Concept for Public Way Corridors and to incorporate the Lincoln Fringe Area Primary Public Way Corridor Study by reference.

December 1999 - July 2000. The Public Works & Utilities, Planning, and Parks and Recreation Departments formed a Public Way Corridor Study Team to address this issue and retained The Clark Enersen Partners to assist them in the generation of design alternatives for this project. The Study Team gathered input from approximately 15 meetings and open houses which were held over the course of the study.

ANALYSIS:

Public Way Corridors Overview

"Public Way Corridors" is an emerging concept reflecting our community's desire to enhance the long term livability of our neighborhoods while accommodating the demand for better vehicular and pedestrian mobility along major transportation routes.

The **Lincoln Fringe Area Primary Public Way Corridor Study** and the development of a vision for future Public Way Corridors (PWC) is the culmination of an eight-month effort undertaken as part of the Comprehensive Plan and Long Range Transportation Plan (LRTP) Update processes. Some of the central issues explored during the Public Way Corridor Study included:

- the creation of a positive physical image for the community;
- safe and comfortable travel by pedestrians and cyclists;
- placement of public and private utilities;
- attractive urban design and landscaping, including street trees; and
- alternatives for the addition of future traffic lanes;
- efficient roadway and landscape maintenance.

Area of Application

Figure 32a (see end of report) illustrates the area of application for primary Public Way Corridors. Fringe Area Public Way Corridors are predominantly defined by the mile section line roadway framework as it extends beyond the current City limit and is generally associated with Lincoln's 3-mile extraterritorial jurisdiction. Fringe Area Public Way Corridors are related to both the City's present network of arterials and the County road network. Dashed lines are shown where potential new roadways are being evaluated as part of the LRTP Update but no right-of-way currently exists. The LRTP Update (Comprehensive Plan Amendment #94-59) is tentatively scheduled for Planning Commission public hearing on September 6th, 2000.

Existing Conditions

A 100 foot right-of-way (ROW) is the existing standard for most new urban major streets. The current 100 feet of right-of-way has the following challenges:

- **Turn Lanes:** at intersections dual lefts and one right turn lane are desired for efficiency of the intersection, but with limited space these lanes either require additional ROW or cause the elimination of street trees, pedestrian ways or other elements adjacent to the corridor;
- **Sidewalks/Trails:** usually the trail or sidewalk is placed adjacent to the travel lanes, which does not provide adequate space between vehicles and pedestrians and creates an undesirable pedestrian environment -- in some circumstances the sidewalk or trail has been completely eliminated from one side of the street due to limited space and grading;
- **Utilities:** there is often minimal room for appropriate arrangement and spacing of underground utilities which may require easements and utilities to be outside of the 100' ROW;
- **Street Trees:** street trees are required by the Subdivision Ordinance to be placed outside of the ROW on private property and are most often behind a board fence -- street trees along arterials are often small ornamental trees that lack the size and structure to provide an appropriate shading canopy for the corridor;
- **Landscaping:** is most commonly a board fence that is used to screen adjacent homes from the arterial street -- this creates a visually unattractive, sterile corridor with a mixture of landscape screening materials and street trees behind the board fences;
- **Landscaping in Medians:** often medians are concrete or do not have sufficient width for trees and other landscaping; and
- **Parking Lot Landscaping:** currently, parking is allowed in the front yard setback in several commercial districts which often eliminates any landscape screening.

Although the standard right-of-way width for arterial streets is defined as 100 feet, the actual width of the functional corridor ranges from 100 to 140 feet as various utility easements are acquired along the right-of-way today.

The 100' ROW also presents a challenge when streets are widened from two to four through lanes or where multiple turn lanes at the intersections are added to an existing four lane road. In these circumstances street trees, sidewalks or trails abutting the street are often lost. The loss of these elements together with the placement of vehicular lanes closer to residential lots can have a substantial impact on adjacent neighborhoods, pedestrians and the visual appearance of the community as a whole.

Boulevard Concept

The "Boulevard" concept is a vision for Public Way Corridors that creates a sense of place and a positive physical image for the community while addressing the transportation infrastructure needs in planned growth areas.

The Boulevard is a 140-foot multiple use corridor that incorporates vehicular circulation, pedestrian circulation, utilities, lighting, and landscaping, in a way that facilitates neighborhood cohesiveness, with consideration given to maintenance and evolution of the corridor over time so as to have minimum negative impact on neighborhoods and businesses. Elements accommodated by this concept include:

- street trees and landscape screen with low maintenance plant materials
- a trail and sidewalk for bicycle and pedestrian circulation;
- up to four through lanes for vehicular traffic;
- up to three turn lanes at major intersections (duel lefts and one right turn lane);
- appropriate arrangement and spacing of underground utilities

Long Range Transportation Update (LRTP)

The Primary Public Way Corridor study is a research component of the Long Range Transportation Plan (LRTP) Update process which was begun in January, 2000. The purpose of the LRTP update is to twofold: (1) ensure that the City-County LRTP meets Federal transportation planning guidelines requiring that a community's LRTP be "updated and reviewed" every five years, with the Lincoln-Lancaster County LRTP having had expired in December, 1999; and (2) extend both the geographic scope of the LRTP to encompass the growth areas added to the land use plan since its adoption in 1994 and the time frame of the LRTP to meet the Federal requirement of a minimum twenty year planning horizon.

The LRTP Update report and an associated Comprehensive Plan amendment are expected to be forwarded to the City-County Planning Commission for public hearing in early September, 2000. In the meantime, numerous development proposals have already been submitted in the growth areas proposed to be covered by this Comprehensive Plan amendment for Public Way Corridors (CPA# 94-58). This amendment will provide the basic authorization to pursue implementation of the 140-foot Public Way Corridor "Boulevard" concept in the fringe areas.

Study Process

The Public Way Corridor Study Team was charged with developing a concept for Public Way Corridors through a process which included the following steps:

- (1) Gather the input of a broad range of community officials, committees, utility companies, neighborhood groups, developers, and other members of the public to help define issues and guide the exploration of design alternatives.
- (2) Develop principles, issues, goals and strategies for Primary Public Way Corridors;
- (3) Graphically explore design alternatives for public way corridors along the urban fringe;
- (4) Distill issues into a refined concept to bring forward for adoption as an amendment to the Comprehensive Plan.

IMPLEMENTATION

Landscape Concepts

The Boulevard Concept includes several landscaping alternatives. The proposed prototypical landscape scheme is intended to be attractive, durable and require minimal maintenance. The primary landscape scheme is a corridor of large shade trees with low growing, drought-tolerant turf or native ground cover interspersed with groupings of ornamental or evergreen trees in the median. The corridor, or Boulevard, frames adjacent neighborhoods and businesses. Other concepts include the prairie/wildflower and evergreen street tree alternatives. A higher maintenance intensive landscape is proposed as a concept in areas where neighborhoods or business organizations are interested in contributing to the costs for installation and maintenance.

Composition of Corridor

A Public Way Corridor need not be entirely in the public right-of-way. The Boulevard is intended to provide the flexibility in implementing the Public Way Corridor concept. Recommendations are included for the use of such tools as outlots, flexibility in required lot depth and setback requirements, and building line districts. The Public Way Corridor recommendations outline creative solutions and incentives to implement the Boulevard concept, while minimizing costs to new development and providing alternatives to right-of-way acquisition to meet the objectives of the corridor.

Recommended Ordinance and Design Standard Revisions

- Revisions to the Subdivision Ordinance to require that street trees be planted within the 140-foot Public Way Corridor between the sidewalk and curb.
- Revisions to the Subdivision Ordinance to require that installation of sidewalks, trails, street trees and landscape screens be required within two years, rather than within four years, of final plat approval or at the same time as the street is surfaced, whichever is the lesser. The establishment and maturity of landscaping and the accessibility of the corridor to pedestrian traffic is critical to implementing the Boulevard concept.
- Revisions to the design standards for screening of residential areas adjacent to arterial streets to exclude board fences as an alternative to meet the landscape screening requirement, insuring that plant materials will be utilized which will soften the visual impact for the corridor while still providing a screen for the adjacent neighborhood.
- Consideration for higher landscape standards for parking lots, particularly in districts where parking is allowed in the front yard setback, such as provisions for adequate screening space, full landscape screening within the front yard setback, berming, and additional deciduous trees within parking areas along Public Way Corridors.
- Revisions to the Street Tree Master Plan to call for shade tree species along Public Way Corridors which are more appropriate to the scale of the roadway and expanses of pavement associated with multiple travel and turn lanes on arterial roadways.

Relationship to County Road Network

The Boulevard concept will apply to fringe area Public Way Corridors associated with the mile section line roadway framework as it extends into the County within Lincoln's 3-mile extraterritorial jurisdiction. Non-urban major streets which are shown in the Comprehensive Plan are designated as 100 feet in the Subdivision Ordinance. As right-of-way acquisition is considered by the County Engineer in association with road projects or County subdivisions, it may be desirable for a greater amount of right-of-way to be acquired along roadways designated as Public Way Corridors. The City and County should work together to develop a process for reviewing County improvements or developments as they relate to early opportunities to preserve Public Way Corridors for the development of the Boulevard concept.

STAFF RECOMMENDATION: Approval of the following amendment to the Comprehensive Plan:

1. Amend page 106b of the 1994 City-County Comprehensive Plan to add the following text:

Lincoln Fringe Area Primary Public Way Corridors

"Public Way Corridors" is an emerging concept reflecting our community's desire to enhance the long term livability of our neighborhoods while accommodating the demand for better vehicular and pedestrian mobility along major transportation routes.

The Lincoln Fringe Area Primary Public Way Corridors Study explored strategies for implementing the Public Way Corridor concept for areas within Lincoln's 3-mile jurisdiction, and is hereby incorporated by reference as an approved component of the Comprehensive Plan. The development of a vision for future Public Way Corridors is the culmination of an eight-month effort undertaken as part of the Comprehensive Plan and Long Range Transportation Plan (LRTP) Update processes. Some of the central issues explored during the Public Way Corridor study included:

- the creation of a positive physical image for the community;
- safe and comfortable travel by pedestrians and cyclists;
- placement of public and private utilities;
- attractive urban design and landscaping, including street trees; and
- alternatives for the addition of future traffic lanes;
- efficient roadway and landscape maintenance.

Figure 32a illustrates the area of application for primary Public Way Corridors. Fringe Area Public Way Corridors are predominantly defined by the mile section line roadway framework as it extends beyond the current City limit and is generally associated with Lincoln's Future Urban Area Boundary 3-mile extraterritorial jurisdiction. Fringe Area Public Way Corridors are related to both the City's present network of arterials and the County road network. Dashed lines are shown where potential new roadways are being evaluated as part of the LRTP Update but no right-of-way currently exists. The application of Fringe Area Primary Public Way Corridors is anticipated to expand through later amendments proposed and evaluated in the future as Lincoln's Future Urban Area Boundary grows. (As Revised by Staff on 9/06/00)

Boulevard Concept

The "Boulevard" concept is a vision for Public Way Corridors that creates a sense of place and a positive physical image for the community while addressing the transportation infrastructure needs in planned growth areas.

The Boulevard is illustrated on Figure 32b. It is a 140-foot multiple use corridor that incorporates vehicular circulation, pedestrian circulation, utilities, lighting, and landscaping, in a way that facilitates neighborhood cohesiveness, with consideration given to maintenance and evolution of the corridor over time so as to have minimum negative impact on neighborhoods and businesses. Elements accommodated by this concept include:

- street trees and landscape screen with low maintenance plant materials
- a trail and sidewalk for bicycle and pedestrian circulation;
- up to four through lanes for vehicular traffic;
- up to three turn lanes at major intersections (dual lefts and one right turn lane);
- appropriate arrangement and spacing of underground utilities

A Public Way Corridor need not be entirely in the public right-of-way. The Boulevard could ~~could~~ **should** utilize a variety of tools to implement the Public Way Corridor concept, providing alternatives to right-of-way acquisition such as easements and outlots. Flexibility in lot depth and setbacks adjacent to the corridor **are** ~~planned~~ **may also be necessary** to minimize the economic impact of the Boulevard. (**As Revised by Staff on 09/06/00**)

Figure 32a reflects the grid roadway network that currently exists in the City and County; however, this illustration is not intended to preclude variation in the grid network to take advantage of opportunities or respond to constraints that arise in the future. The application of the Boulevard Concept is anticipated to be flexible to accommodate a wide variety of physical circumstances, including natural features, topographical differences and variations in the size of the developing area adjacent to the corridor.

Ordinance and design standard revisions recommended by the Lincoln Fringe Area Primary Public Way Corridor Study are intended to be adopted to implement the Boulevard Concept. In particular, revisions recommended relative to lot depth and setback requirements should be adopted prior to implementing the concept. (**As Revised by Staff on 09/06/00**)

2. Add Figure 32a, Lincoln Fringe Area Primary Public Way Corridors, as shown on the attached page 033.
3. Add Figure 32b, Boulevard Concept, as shown on the attached page 034.

Prepared by:

Nicole Fleck-Tooze
Planner

COMPREHENSIVE PLAN AMENDMENT NO. 94-58

PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 9, 2000

Members present: Duvall, Schwinn, Newman, Carlson, Steward, Taylor, Krieser, Hunter and Bayer.

Planning staff recommendation: Approval.

1. Allan Abbott, Director of Public Works & Utilities, explained that the Public Way Corridor concept has come about primarily as a result of concerns expressed throughout the community about the appearance of the streets and the ability to get what is desired within the street right-of-way. The concept is not to be confused with the ability to add lanes to a street in the future. Many people have asked for street trees, the ability to make medians look attractive, and the addition of trails within the street right-of-way. All can be accomplished if sufficient right-of-way exists. It cannot be accomplished in 120' of right-of-way, however. We are living with what were well-conceived decisions a few years ago. Look at 27th north of Superior. Who in their wildest dreams would have thought that would develop as it did? We are now needing additional lanes on 27th Street and there is no room to widen it without significant additional cost.

Abbott noted that Commissioner Newman has had a rather strong voice about high impact corridors and the ability to widen streets with high impact corridors. The purpose of this study was to develop a right-of-way width on mile-line corridor roads that would allow for future expansion. There are a lot of questions that will be asked and will need to be answered.

Abbott observed that more right-of-way costs more to maintain. This will come out of the Public Works or Parks budget. It will reduce the amount of housing available to be built. There may need to be some revisions to setback distances to accommodate a corridor such as this. Fences will provide a screen but as you travel down Old Cheney and see the fences that close, it becomes an aesthetic issue.

Abbott explained that this proposal is not before the Commission because Public Works or Planning desired to have wider streets on every mile line corridor road, but to respond to the community concerns that the staff has heard about what image we want this community to present in the future.

2. Nicole Fleck-Tooze of the Planning Department stated that the Boulevard Concept for Public Way Corridors was brought together by a study team composed of Public Works, Planning and the Parks and Recreation Departments. They worked together with Clark Enersen Partners and engineers out of Omaha.

The team met with the Home Builders on July 31st. The Home Builders were concerned about not having adequate time to prepare comments. Tooze requested that the public hearing be held over to the September 6th meeting. Bayer also noted that there was a request to put this item on the September 6th agenda as the first item after the Consent Agenda. The Long Range Transportation Plan is scheduled for public hearing on September 6th, also, and it is desirable to conclude this proposal prior to the presentation on the Long Range Transportation Plan.

Schwinn moved to continue public hearing and administrative action on September 6th, immediately following the Consent Agenda, seconded by Krieser and carried 9-0: Duvall, Schwinn, Newman, Carlson, Steward, Taylor, Krieser, Hunter and Bayer voting 'yes'.

Fleck-Tooze advised that there was a gentlemen here by the name of **Steve Bors**, 6800 Rebel Drive, who is **in opposition** but he was unable to stay. He abuts 70th Street between Yankee Hill and Rokeby Road and is concerned about the impact of the corridor on his property.

Fleck-Tooze then identified the existing conditions. Currently, 100' right-of-way is the standard for most of our urban streets, which has to accommodate four through lanes, turn lanes, street trees, landscaping, sidewalks and bike paths. Our current design standards allow for screening requirements for residential areas to be met with a board fence. The subdivision ordinance also requires that street trees be located on private property outside of the right-of-way. The kind of image this gives our corridors is one of visual barrier and physical barrier between our neighborhoods. There is a lack of street trees and other landscaping, creating a harsh environment in many circumstances. Although the right-of-way width today is 100' in most cases, the actual width of the functioning corridor is often larger for utility easements. The sidewalk or trail is often pushed up against the street curb so there is an issue of safety and there is no desired distance between the street trees and other elements.

Fleck-Tooze further noted that today's street tree plan designates ornamental street trees adjacent to arterials. These do not always provide any kind of canopy or adequate shade for pedestrians. Parking is allowed in the front yard setback along commercial streets. There is a need to remove ice and snow, to adequately maintain the landscaping, etc. There are a lot of utilities that need to fit within this corridor today that occur underground, i.e. storm drains, street lights, fiber optics, electrical lines, telephone, water, etc.

Fleck-Tooze further suggested that today's roadway right-of-way does not have the ability to accommodate future additions to turn lanes or through lanes so there is adverse impact on our existing neighborhoods when this is not planned for up front.

Fleck-Tooze advised that this concept is being brought forward with the intent to enhance the long term livability of Lincoln; it accommodates the addition of future traffic lanes for automobiles, pedestrians and cyclists; this concept plans for utilities; it is attractive from a landscaping standpoint with some improved urban design features. The corridor is 140' which accommodates up to four through lanes of traffic and trails and sidewalks for bicycle and pedestrian circulation. It pulls the street trees and landscaping back into the corridor and provides for multi-use of the corridor with bicycles and pedestrians. It really has the ability to evolve over time as changes occur in that corridor.

3. Lynn Johnson, Director of Parks and Recreation, explained that the primary objective was to look at the landscape type. There has been ongoing community discussion about the landscaping within the right-of-way area. They ended up with 5 different landscape types over the last couple of years. There interest is to come up with something green, with minimum maintenance, that allows for the community to participate in upgrading that standard if the neighborhood desires. The street trees located between the sidewalk and the curb and the landscaping within the median would look similar to that along Capitol Parkway between 27th & "A" Street—small ornamental trees, with low maintenance ground cover. To maintain a mile of the boulevard is essentially the cost it takes to maintain a neighborhood park. We want some standard that is less than the current standard because the maintenance does have to occur.

Another type is prairie grasses and wildflowers. This is a little higher maintenance standard than the buffalo grass.

The evergreen street tree concept (evergreens placed between the curb and the sidewalk) is something we do not see significantly in Lincoln.

The most expensive landscape to maintain is the combination of trees, shrubs and perennials, for example, such as along South 40th immediately south of Highway 2.

Johnson then discussed the comparison costs between the different types of landscaping. The low native ground cover concept allows for maintenance three times a year and trimming the street trees on a regular basis.

4. Jim Visger of Public Works and Utilities, Engineering Services, discussed the proposed implementation of the Public Way Corridors. What the team sees as a possibility for implementation is the opportunity to build a roadway along one side of a corridor such as was done on Pine Lake Road between 14th and 27th, where we built the north half and let it serve as two-way until this year. We could implement the concept by building from the inside out, i.e. put in a 28' wide median and build one lane on each side of it with a shoulder section adjacent to it. According to the standards, we would need 16' on a one-lane facility.

Visger suggested that one of the important features with a corridor development like this, regardless of how you put in the road system, is that you put in the corridor with the intention and deliberateness of evolving that corridor such that the entire corridor matures. If we build the south side of an east-west roadway, the commitment is that we put in our street trees on both sides so that as that corridor develops you don't have 30' tall street trees on the side of the paving and you end up with toothpicks when you develop the other side. We need to commit to insure that a corridor has the opportunity to mature and evolve.

As far as cost, the costs in the published report are representative of actual costs, but in the explanation there is a statement that there are other costs associated for lighting, traffic signals, utility relocation, etc. The costs in the published report are not going to be the final costs. Visger then submitted an updated table showing the real costs today, which were established from recent projects—two one-mile sections of 70th and the mile section of 84th under construction. These costs as presented are very representative of what we would expect as a base cost for such improvements today or even perhaps in the next year or two. The right-of-way costs have been excluded on this cost table. Public Works is currently spending 2.3 million dollars per mile for a four-lane section of 100' right-of-way. The cost of the first section of 70th, because of the dual lefts, would have been considerably higher.

With regard to maintenance, Visger stated that even with brand new roads we are discovering that utilities and the road system do not mix. You cannot put utilities longitudinally under a road or transversely and expect that the compaction that you get after you place that in is going to equal the original compaction. So what happens, as we get surface water migration, it migrates into that soil and it migrates along the finds found in those corridors where you place the utilities. Those contribute to the pumping action you see in the pavement. It is caused by not being able to remove all of the utilities. This proposal for 140' is based upon there being no tappable type of utility underneath those roadways.

Fleck-Tooze summarized the presentation, stating that the proposal attempts to respond to concerns that have been expressed about the impact of the acquisition of 140' for a corridor. The proposal attempts to portray an ability to be flexible and to implement the corridor in different ways, such as the ability to use outlots along the roadway to compose a portion of the corridor so that the entire corridor does not need to be in the right-of-way. Outlots could be used in residential and commercial areas. The density from that outlot could be transferred elsewhere on the site through a community unit plan or PUD. Utility and public access easements could accommodate sidewalks and trails through those outlots.

Fleck-Tooze suggested that other alternatives include the opportunity to look at reductions in the lot depth for residential areas adjacent to arterial streets. Today the lot depth requirement is 120'. Reduction in setbacks in the commercial areas might also be an opportunity. Today we still have a building line district and the study recommends that the Building Line District should have further consideration and might apply to these corridors in certain areas.

Another suggestion is to pull street trees into the 140' corridor. This will provide for canopy and green edge. Another suggestion is that sidewalks, trails and landscape screens should be required to be installed within 2 years of final plat approval, rather than the current 4 years. There are also revisions to the street tree master plan suggested.

With regard to landscaping, Fleck-Tooze advised that the proposal recommends increased landscaping in commercial areas for the buffering of parking lots.

Fleck-Tooze then displayed a map representing the area to which the proposed concept is envisioned to apply, i.e. the mile line section roadway framework as it extends outward from the existing city limits into the three-mile jurisdiction. The team envisions that this has a relationship to the county road network. As right-of-way acquisitions are considered by the County Engineer, it might be desirable that additional right-of-way be required and it is recommended that the city and county work together to develop a process of review.

Duvall inquired whether this will be standard policy as far as the use of outlots and transfer of density in a community unit plan. Fleck-Tooze advised that the use of the outlot could be done today. The other recommendations would require changes to the codes, which would be the next step if this concept is adopted.

Steward indicated that he will not be at the Planning Commission on September 6th, so he wanted to ask his questions now. If this is adopted by the Commission and the Council, including the map as shown, Steward wondered how easily the grid system can be changed. With approval of this proposal, are we bound to this policy to every red line on every one-mile mark? Is that the intent? Fleck-Tooze did not believe so. She suggested that in general, this proposal attempts to express a concept based on our roadway framework. But it does not fix any one particular roadway to that alignment. There will be flexibility. Steward is concerned about the map. We all know where the grid originally came from—railroad surveyors had a straight line in mind. This is not necessarily fine for streets in city planning. It is great for transportation engineers who like to work with straight lines. But whoever determined that Capitol Parkway was an appropriate thoroughfare through this city had nature more in mind than the grid system. We will continue to run into these issues of Stevens Creek and areas where we don't want to build roadways, of terrain and topography, that will cause us to not want to do a grid system everywhere throughout the city. He hopes that we can describe distinct flexible processes when the final approval is said and done. Let's say we have an urban village on a two-mile grid, and that we did not want a grid running through the middle of an otherwise pedestrian oriented village concept. He really is distraught at the image of looking to infinity to that 140' corridor that finally comes to a point out there that we can almost see somewhere toward Canada.

Steward encourages the concept for the 140' width and the multi-modal opportunities and the landscaping, but if we can be sure to follow more natural terrain, if we can take into account yet unimagined development patterns and characteristics, then he would be much more comfortable. Newman concurred with Steward. She questions the flexibility.

Taylor inquired about the placement of utilities. Visger concurred that they would be behind the curbs instead of in the street. The city does attempt to locate as many of the tappable types of utilities behind

the curb now as they can. There are ten state standards that do not allow storm sewer next to a water main. The demand on corridors by private utilities for trans-continental bsl lines that proliferate are taking up a lot of our right-of-way. We need to have some way to control that. If we have right-of-way that we can parcel to the utilities, we have a lot better chance of controlling it.

Support

1. Tim Knott, appeared individually and on behalf of the **Audubon Society**. The advantage of having 140' right-of-way means potential for more trees, shrubs and improved wildlife habitat along these major arterials. This will be beneficial and it will be much more attractive for the citizens of the community.

Opposition

1. Rick Krueger testified in opposition. He has attended numerous of the open houses and has submitted a letter. He has a question for staff: If this proposal is approved, at what point will we start reviewing projects to comply? He wants a definitive answer. He believes the concept has some good ideas, including planting street trees between sidewalks and curbs and adding more species of trees; however, the report states that, "This amendment will provide the basic authorization to pursue implementation of the 140-foot Public Way Corridor "Boulevard" concept in the fringe areas." He believes what is proposed is an increase in the public takings of 40% (20' on each side of the centerline of the road). Government needs to justify something that is this large. 20' of additional right-of-way around a section is about 9.7 acres, which, computed into dwelling units, would be 32 dwelling units taken out of production. It decreases the efficiency of the quarter section at about 1.6% of the land area. We could put a major league baseball stadium at the intersection of where these two 140' roads intersect.

In addition, Krueger is very concerned because there are no traffic studies associated with this proposal. There are no land uses associated with the trip generation to say we should need this for traffic.

Krueger indicated that he had done some research and nowhere in the southeast fringe do we have 140' of right-of-way required. Government needs to justify how much they need for takings. He also shared the transportation model which was part of the Wilderness Park Subarea Plan. They studied seven different scenarios showing traffic buildout numbers and there are few that approach a four-lane situation that would need 120' at the intersections. There are not enough projected trips to justify what is being requested.

Krueger also pointed out that if this 140' standard is approved without corresponding changes in the subdivision ordinance, it would move everything back in. In the report there are a number of ways to mitigate this; however, we need corresponding legislation running through at the same time.

In addition, Krueger does not understand who pays for what and when. The City, through the Parks Dept. budget and CIP, allocates \$50,000 for the master street tree planting program. Unless all of these costs are thrown on the private sector, how can we hope to achieve this vision unless we are going to expand those budgets?

Krueger suggested that it is important to take the trail component out of the section line roads. The trails should be put in the draws. This should be removed from the study.

Krueger agrees that it is easier for the private sector to allocate more ground for turn movements by adjustment to the setbacks on a commercial corner. He sees the big rub through the residential neighborhoods.

Krueger observed that this proposal assumes double left turn lanes at all intersections, both at section line roads and internal roadways. He questions whether that is the way to proceed. A dual left turn lane does not imply we can put twice as many cars through that intersection. They only work if signalized.

2. Victoria Northrup, 7420 So. 70th Street, testified in opposition. She believes that 16 or 17 of these corridors going east/west and north/south is a tremendously huge amount. She believes that four each direction would be sufficient. Before this proposal is approved, she would like to see the actual mile section line streets identified. Everyone that is living or owns property along these streets is going to be very nervous about this decision. In a perfect world, this would be a great idea if Lincoln was a prairie. A lot of people live and work along these streets and this will impact many, many people and she believes it is way too broad. It needs to be much more specific before approved.

Northrup is concerned about safety. She does not believe this will “knit neighborhoods together”. She does not think going across a 140' corridor is going to do a thing to knit her neighborhood together. She does not believe that South 70th has the density to justify a four-lane roadway that far out. She is within one mile of the latest widening of 70th Street. But she does not think there is enough traffic going south on 70th to warrant what is being proposed. The majority of the traffic seems to be gravel and oil trucks. This Commission should be working more on the beltway around the city than this proposal.

If this concept is approved, the concrete will be 1' from Northrup's property line and this is not acceptable. The back corner of her house will be 35' from this corridor. This is not acceptable and not feasible. When her home was built, 70th was a dirt road about 12 years ago. When paved, the grade changed. Therefore, the street corridor on her side of 70th is only 40'. The County installed a timber retaining wall approx 4' tall along the length of her acreage frontage. The landscaping affected will 63 mature trees.

Northrup has concerns about safety, noise, light and air pollution; she would like to see a density study done; if this area of 70th is identified, she believes that at the very least this particular grade of the road and her property needs to be given special consideration.

3. Mark Hunzeker appeared on behalf of the **Home Builders Association and Lincoln Board of Realtors**. They need the additional four weeks to review this proposal. This is the single largest land acquisition program that he has seen in the city of Lincoln. It appears that this would result in approximately 1700 acres of additional right-of-way over and above the standard 100' that is proposed to be acquired. This equates to 5500 dwelling units. Where will the money come from to acquire that right-of-way? It cannot rationally be said that a residential subdivision causes a need for 140' of right-of-way along every single section line road. If you are going to move the trail system to the public rights-of-way, rest assured that people will be reluctant to dedicate rights-of-way for trails along the stream corridors and drainage ways through the middle of the section where those trails really belong and where the Comprehensive Plan says they should go. If we weren't so far behind in the 1 and 10 and 1 and 20 year street plans, it would be conceivable that there might be money available for the right-of-way, but we aren't. To suggest that the money is going to come out of street construction funds to acquire and maintain these additional larger rights-of-way, strikes him as being very optimistic.

Where in this country is a city that has a requirement for 140' right-of-way on every section line road? 140' of right-of-way is maybe desirable in certain circumstances where you are in fact anticipating heavy traffic, but there is no traffic study to justify even four-lane corridors for most of these roadways. We adopted a Comprehensive Plan that Public Works has complained bitterly about in that it incorporated a large amount of new land into the future urban area without a transportation study. Now they are proposing the flip-side of that, which is to go out and acquire right-of-way all over the county without any transportation study being done.

This proposal will have continued public hearing and administrative action on September 6, 2000.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION: September 6, 2000

Members present: Krieser, Newman, Hunter, Duvall, Taylor Schwinn, Carlson and Bayer; Steward absent.

Nicole Fleck-Tooze of the Planning Department submitted additional information including a letter from a resident and a memo from Planning Department outlining revisions to the proposal.

The letter from Steven J. Bors, 6800 Rebel Drive, indicates that he is on 70th Street between Yankee Hill and Rokeby Road and has concerns about traffic noise, etc.

The proposed revisions to the proposal are intended to respond to the concerns raised by the Home Builders, Board of Realtors and LIBA, who met on August 25th. The proposed amendments are also in response to some comments by the Commissioners at the previous public hearing and issues raised at the August City-County Common meeting.

Tooze requested that the public hearing be held over to September 20th. The staff team just met with the Home Builders on August 25th and there are some significant revisions being proposed that have not been reviewed. The most significant change is revising what was previously shown as Figure 32A. The area of application is revised to generally correspond to the Future Urban Area boundary rather than the three-mile jurisdiction. The text revisions reflect revisions to the map and clarify that the application of these public way corridors would be anticipated to expand in the future, although it would be done through later amendments and evaluated at that time in relation to Lincoln's future growth. Other text changes include provision for flexibility in the application of this concept relative to the grid network and responding to natural and topographic features. There is specific reference to respond to variations in size of developing areas adjacent to the corridor. There is also a commitment to adopt the proposed ordinance and design standard revisions recommended by the study.

Replacement pages for the roadway and landscape costs were also submitted, which more accurately reflect the costs based upon more recent projects.

Carlson sought confirmation that the proposed amendment would tie the Public Way Corridor concept to the future service area as it is delineated right now. Tooze concurred. If, in the future, that urban area boundary is revised to add more areas, we would anticipate proposing and evaluating amendments to the Public Way Corridor concept so that they would apply to any areas that are within the future urban area boundary. However, this would not be automatic. Tooze further explained that application within the entire three-mile jurisdiction was simply too broad and needed to be related more to where we anticipate having growth. This amendment to the proposal intends to reflect that concern. There may be some details or specific considerations for some of these other areas that need to be considered as we apply this concept.

Hunter wonders how this dialog came to the point of eliminating the three mile area because she has talked to a lot of people the last couple weeks and the one general opinion seems to be that it was such a tremendous impact everywhere, but it looks like it has gone to be completely outside. She is not sure this addresses the problems in getting in and out of the city. The compaction is inside the city limits and when you get out into the rural area it is a lot less. This seems like an awfully small plan compared to what we saw a month ago. Tooze explained that the revised area would extend out generally from the existing city limits, running inside the future urban area boundary. The intention is for the corridors to extend from present day city limits to the future urban area boundary. This proposal is intended to look at the fringe areas to get out in advance of development to try to preserve these corridors. It is not intended to address existing areas or anything that is already in process.

Hunter asked whether there were not corridors that were also running east/west. Tooze clarified that there are east/west corridors. The focus is on the areas that are today included within our future urban area boundary, largely to the north and to the south.

Carlson suggested that reducing the affected area also reduces our capacity to “get out in front” at this time. Tooze agreed that to some degree that is true, but this is an attempt to reach a consensus with the concerns that have been raised about it being too broad of an application. The staff is attempting to reach a middle ground. It seems logical to relate it to the urban area boundary. It would be an incremental change.

Carlson believes it is a process of weighting the impact today as a potential for lessening the impact in the future.

Bayer noted that the city is beginning to study Stevens Creek. He is guessing that proponents of Public Way Corridors are going to be actively involved in mapping them out in a potential Stevens Creek plan to the east and we will see those at that time. Tooze stated that if Stevens Creek was included in Future Urban Area Boundary, the Commission can anticipate a proposal for Public Way Corridors.

Schwinn indicated that he is having a hard time understanding what we are trying to do. Stevens Creek is a good example--so we expand our urban limits into Stevens Creek-- we would at that time designate every section road as being one of these major boulevards or would we designate certain roads that we perceive such as in a Subarea Plan? Tooze responded that in general, it is proposed to go to the mile line section roadways, but it does not necessarily mean that would be the case in every situation.

Schwinn referred to So. 70th between Pioneers and Old Cheney--that is a 100' right-of-way and personally, he believes it is very good looking. We have everything in there we would ever want. Why should it be 40' wider? Tooze explained that the concept of having a wider corridor is not only to accommodate traffic needs, and not just today. The wider corridor includes future turn lanes up to two left turn lanes and an additional right hand turn lane and that contributes to expansion of the corridor; it is also anticipated to accommodate a trail where needed and the landscape streetscape we would like to have in every corridor. It provides for pedestrian movement, has green and can begin to provide some kind of link to neighborhoods rather than separating them.

Schwinn does not understand why we would want to make the whole mile section 140' when it would only be necessary at the intersection of Old Cheney and Pioneers. Jim Visger of the Public Works Department suggested that you always run the risk of not having enough space for future infrastructure. The critical thing is that we are trying to accomplish a streetscape which means you are going to have objects above the ground, i.e. trees. They have to be placed such that there are not sight obstructions. Given a roadway that is residential in nature entering a 45 mph section, we need 570' of triangular space to see the cars coming in order to have safe conditions for left turns. It's not just all in the

physical width of the concrete. It's how you make it safe and provide for a softened streetscape. We do need to have the widened sections of right-of-way at the intersection.

Schwinn made a motion to continue public hearing and administrative action on September 20, 2000, seconded by Duvall and carried 8-0: Krieser, Newman, Hunter, Duvall, Taylor, Schwinn, Carlson and Bayer voting 'yes'; Steward absent.

Opposition

1. Mark Hunzeker appeared on behalf of **Home Builders Association and Lincoln Board of Realtors** in opposition. He is unaware of anyplace else anywhere that has this kind of requirement for right-of-way for arterial streets. 140' is an excessive amount of right-of-way. It is unnecessary for any of the streets on the Long Range Transportation Plan. He suggested that investigation be made as to whether this exists anywhere else in the world. The costs of implementing this plan have been inaccurately reflected, including acquisition of right-of-way, implementation of landscape plans and maintenance of those plans, particularly for the Public Works Department budget. His clients are concerned about being far behind in street construction today and the additional burdens that this would place on plans for street construction in the future. Just the elimination of the whole county from this plan, aside from the future urban area, is a big step in the right direction, but it needs to be more focused and limited to areas that we know need more right-of-way.

Staff questions

Tooze pointed out that the Long Range Transportation Plan on today's agenda has a very short time frame and has a need to move forward. The Public Way Corridor proposal is part of that and it may be necessary to address this proposal in that comprehensive plan amendment. It may be necessary to delete the Public Way Corridor proposal from the LRTP at this time so that the LRTP can move forward on its own.

Hunter is not sure 140' is the magic number. Do we need bike paths and running paths next to a major corridor, or is that something that should go somewhere else? She does not know how this number was arrived at. She understands that an expansion makes sense, but she wonders if it's an overkill at 140'. Maybe there is something in between those numbers that addresses the whole issue. She believes there is a safety issue with the bike paths next to major thoroughfares. The number needs to address the development community concerns and the long term concerns of the growth of Lincoln. She wants to make it as big as it needs to be. She believes this process was an effort to not have people upset about widening of streets.

Hunter also suggested that it really almost always seems like we have the cart before the horse in terms of perimeter roadways and bypasses. It almost feels like we keep trying to put this map down on something where we don't know where the boundary is to begin with. The long term plan of this whole process has got to get a little closer to being what the total picture looks like in the end instead of doing it piecemeal.

Carlson assumes that the 140' automatically includes flexibility where amenities are provided for elsewhere on the site. Tooze advised that the concept is intended to be flexible in this way, not only relative to right-of-way or adjacent development. Carlson suggested that 140' represents a potential maximum. Tooze responded, stating that the 140' is intended to be the corridor width but the entire 140' wouldn't all be the street. It can be made up of other amenities.

Carlson wondered whether there are any other natural boundaries to be considered. Is the staff going to come forward with a finished product or is there a way in the future to amend it? Tooze stated that the staff certainly anticipates that it can be amended in the future. If the Planning Commission would like to see other alternatives, a different map could be provided if deemed necessary.

Lynn Johnson, Director of Parks and Recreation suggested that the concept is tied to transportation planning. As we move out with subarea plans, etc., we need to identify those roadways that we anticipate being the major transportation carriers. This is going to be an evolving plan over time. When we started on this project, we identified all the elements that could happen within one of these areas. The Bicycle/Pedestrian Advisory Committee does not want trails on major arterial streets. That is not always going to work. We have got to get over the ridgelines. We are interested in making that happen within the subdivisions, but , if not, it needs to happen along these roads. Some of this is horticulture and transportation engineering based, and there is a roadway width we have to plan for. Johnson agreed to bring back quantifiable numbers.

Carlson is interested in seeing what the alternatives are and the pros and cons on those various maps and areas.

Johnson offered to do a workshop for the Planning Commission to better understand the proposal. Taylor thought 140' was well thought out with enough flexibility. He believes that having that amount of corridor space as an easement, so to speak, by which the transportation plan could follow in an orderly fashion is very good. He thinks the proposal is considerate of the flow of traffic and how it would generate 10-20 years out. Johnson indicated that there was a lot of staff discussion about what that number would be and they are trying to build the flexibility into this. We may need more information and more dialog so that we can really understand what the planners are attempting to do.

Newman would like to see some sort of financial impact statement of what it costs to relocate businesses, such as on East "O" , or the impact on their businesses where we didn't have the 140' right-of-way in the first place and then taking drastic measures after the fact. What about redevelopment costs?

Hunter believes this is a huge step as far as future planning of Lincoln. She requested that the staff bring as many options back as possible because she wants to take this step confidently.

Taylor concurred with Newman and Hunter. He supports what has been done so far wholeheartedly. He would rather do this than fix it as we go along.

Bayer is concerned about sending the staff in so many different directions. He asked the staff to provide a timeline of when this needs to be accomplished and where it needs to meet up with the LRTP. The Commission has to make a decision and move it forward. The staff needs to let the Commission know the parameters as far as timing. He likes the idea about having a workshop.

Jim Visger stated that they would propose to bring this forward by case study by presenting case study locations we have now--how things would have been and showing what our minimums are and what the desirables are.

There was no further public testimony. This application will have continued public hearing and administrative action on September 20, 2000.

Members present: Duvall, Hunter, Taylor, Schwinn, Steward, Newman, Krieser, Carlson and Bayer.

Nicole Fleck-Tooze of Planning staff requested to continue public hearing on October 4, 2000, to provide further opportunity to meet with members of the development community who have expressed concerns.

The Commission met prior to this meeting where the staff provided an overview of the elements contained within the corridor and what composed of the 140' width, i.e. multiple uses within that corridor, the roadway functions that allowed for and the variables in terms of distance between sidewalk and curb or trail, etc. The staff discussed the possibility of other alternatives, but continues to bring forward the 140' concept. They also discussed the revision to the recommendation to have the area of application of these corridors apply to the Future Urban Service Limit versus the 3-mile jurisdictional area. The staff does have a meeting scheduled for September 25th with some of the members of the development community who have expressed concerns.

Bayer encouraged the Commissioners to get questions to the staff as soon as possible so that the Commission can take action on October 4th.

Carlson moved to defer, with continued public hearing and administrative action on 10/4/00, seconded by Krieser and carried 9-0: Duvall, Hunter, Taylor, Schwinn, Steward, Newman, Krieser, Carlson and Bayer voting 'yes'.

There was no further public testimony.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

October 4, 2000

Members present: Duvall, Schwinn, Steward, Carlson and Hunter; Krieser, Taylor, Newman and Bayer absent.

Nicole Fleck-Tooze of Planning staff submitted a letter in opposition from Krueger Development on the basis that there is lack of supporting traffic data and that the community need for this proposal has not been met.

Fleck-Tooze also submitted letter from the County Ecological Advisory Committee in support.

Fleck-Tooze advised that the staff met again with several members of the development community and most recently on Monday, Sept. 25. Some illustrations showing alternative concepts were previously forwarded to the Commission. After evaluating the alternatives discussed at the meeting with the development community, staff continues to recommend the 140' boulevard concept because it affords the greatest flexibility for the future. The 140' offsets full turn lane movement at mile line intersections. There is still the ability to maintain space between the sidewalk and the property line. There is a 12' space provided between the sidewalk and curb which achieves multiple objectives--allows for street trees, utilities, street lights, snow storage, and safety. The 140' concept also provides for space between the sidewalk and property line to accommodate evergreen tree landscaping. It is also suggested that the 140' concept provides for future elements that cannot be anticipated today.

The alternative study concept of 120' was submitted. Earlier this week, the City Council and County Board approved the Long Range Transportation Plan which did show 120' along nearly all of these corridors that are identified for Public Way Corridors. This 120' alternative doesn't accommodate the

offset relationship between left turn lanes; it reduces width between the sidewalk and curb to 10'; we lose the ability to have evergreen trees as a landscape screen; it could accommodate smaller shrub plantings; and it reduces the space between the sidewalk and curb at intersections.

The additional alternative that was discussed on September 25th, is referred as the "coke bottle"--wider width of corridor at the intersections and narrower width in between. This reduces the median to a point where there is no ability to add more than a single left turn lane; and it significantly limits the ability to pull landscape screen into the corridor, but could accommodate shrub plantings. There was a desire by the members of the development community present at the meeting to see a narrower alternative.

Again, the staff would suggest that the 140' corridor is the one which provides the most flexibility in the future. Fleck-Tooze pointed out that the memo submitted by the staff on September 6, 2000, did have revisions to the staff recommendation and revised the area of application to reflect the future urban service limit and made commitments to adopt the ordinance provisions that have been discussed.

Hunter sought confirmation that if this was adopted, then this would set the standard; however, there is always the possibility and capability of the developer to request revision depending on what happens in those areas. Fleck-Tooze concurred.

Steward reiterated his previous concerns. He understands the 140' right-of-way and he agrees that it gives the greatest flexibility. However, if we put in 140' of right-of-way with straight line landscaping and straight line fences at the edges, he would like to be sure that we have the flexibility and the intent to vary that fencing line for the sake of pedestrian interest. It's one thing to have straight streets and another thing to have straight and boring trails, sidewalks and pedestrian edges. Do we have this flexibility? In Fleck-Tooze' opinion, the answer was "yes, very much so". While the language that is proposed to be included within the Comprehensive Plan might not specifically address that, it addresses the ability to be flexible.

Steward also commented that there can be development patterns in the future that we can't imagine today that cause us to want to try to acquire 140' right-of-way on something other than the grid pattern. Fleck-Tooze believes the revised language proposed in the September 6th memo takes care of this concern. Steward agreed.

Opposition

1. Mark Hunzeker appeared on behalf of **Home Builders Association of Lincoln**. We have had a number of meetings and we've talked about this with staff and staff has decided they do not wish to reach any sort of compromise and are still recommending a 140' right-of-way corridor. It is a mistake. It's too much. Two weeks ago we approved the LRTP which showed no need for any such right-of-way anywhere in the future urban area. The adopted LRTP shows a maximum of 120' of right-of-way in those areas. This is going to be expensive. The City will have to buy right-of-way. Just take a look at what the city does when it doesn't have the right-of-way that it says it needs. Along Old Cheney Road, along side Knolls Golf Course there is an additional 5' of right-of-way that could have been acquired to move light posts more than 6' away from the curb, but this wasn't done. When it comes to pinching pennies to get a project completed, the safety issue of setting things back away from the curb apparently disappears. If you don't have the money to buy an additional few feet of right-of-way in a situation like that where it is easily available, where are you going to get the money to buy an extra 20' on each side of the road when you don't need it? It costs more money to install it and it costs more

money to maintain it. When someone comes in with a residential plat, the city is going to have a hard time justifying an exaction of 60' from centerline because of a residential plat. There is a Nebraska case directly on the point as to when the city can take right-of-way and you cannot just landbank right-of-way. it is not legal. You have to pay for it.

In addition, Hunzeker cautioned that the flexibility talk and the language in here that says Public Way Corridors need not be entirely in public right-of-way, etc., is very fine thought but it's not a regulation. It's Comprehensive Plan language. And we've had more talk that says we're not going to implement it until we have regulations in place.

Hunzeker represents two different developers now that are being asked to supply a 140' corridor along side their property as a condition of their development, before this even gets passed by the Planning Commission or the City Council. This needs to be stopped. At a minimum, he suggested that the Commission should keep the public hearing open. He pleaded that this language not be approved. Don't approve anything with respect to additional right-of-way in this Comprehensive Plan until staff comes forward with the regulations so we can see just how flexibility it really is.

2. Kent Seacrest appeared on behalf of **Ridge Development Company, Southview, Inc. and Andermatt, L.L.C.**, in opposition. Seacrest suggested that more Commissioners should be present for this debate. We have had two good meetings with the staff on this and he doesn't think they were finished. He would like to be sent back for one more meeting.

Carlson moved deferral, with continued public hearing and administrative action on October 18, 2000, seconded by Hunter.

Hunter would like to see at least four other commissioners here to make this decision because it is a tremendous long range decision.

Motion for continued public hearing and administrative action on October 18, 2000, carried 5-0: Duvall, Schwinn, Steward, Carlson and Hunter voting 'yes'; Krieser, Taylor, Newman and Bayer absent.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION: October 18, 2000

Members present: Duvall, Krieser, Carlson, Steward, Hunter, Schwinn, Newman, Taylor and Bayer.

Proponents

1. Lynn Johnson of Parks and Recreation summarized the history of this application and reviewed the proposal. This process has involved a number of agencies and organizations, i.e. the Bicycle and Pedestrian Advisory Committee, Urban Design Committee, Community Forestry Advisory Board, Parks & Recreation Advisory Committee, two public open houses, five meetings with the Home Builders Association and representatives of the development community and the private utility providers. It is hopeful that this proposal meets the needs and objectives.

These meetings resulted in two primary revisions to the proposal, which include the area of application being revised to only the roadways identified within the urban service area. The intent is that as additional transportation planning occurs and additional roadways are identified, the Public Way

Corridor concept would be provided to those new roadways as well. In order to implement this proposal, amendments to the zoning and subdivision codes would be initiated. The intent is that the amendments to the zoning and subdivision codes would be reviewed and approved before implementing the standards of this proposal.

The Planning Commission has had four hearings on this proposal. The last meeting with the development community involved the following proposals:

1. 100' wide corridor at the intersections as well as the mid-sections of the block, which includes 80' of pavement or roadway at the principal intersections allowing two through traffic movements, two left turn traffic movements, and right turn pocket. Based on a recommendation from the Community Forestry Advisory Board, street trees were moved from behind the property line to between the sidewalk and the curb. There are underground utilities located immediately behind the curb and this will provide adequate space for those underground utilities. At the principal intersection there would be a 4' sidewalk, but generally the trails would not be in this corridor. One of the primary objectives is to take a look at what these corners actually look like to the pedestrian or driver. This would involve 4' between the sidewalk and the curb; then another small area; then typically board fences; then street trees; then landscaping that buffers the residential located behind the fence. The Bicycle Pedestrian Advisory Committee wanted additional width between the sidewalk and the curb for physical safety and psychological comfort. From an aesthetic standpoint, the intent was to screen or buffer those fences with landscaping. The proposal also contains provisions that this corridor does not have to be 140' of right-of-way. With the Long Range Transportation Plan (LRTP) and what has been approved by the City Council, at this point we have a 120' wide corridor. The landscaping and fences could occur as easements on private property or in an outlot.
2. 130'/112' corridor maintaining the same 80' wide roadway or paved area at the intersections, which narrows down at the area between the curb and sidewalk to 10', which would be an absolute minimum; 4' sidewalk on either side and then an area of landscaping of shrubs and not evergreen trees. This proposal would narrow down the corridor with a narrower median in the center that would allow for a left turn pocket. There would be 10' for utilities and street trees, 4' for sidewalks and a zone for plantings along the fence line. The current standard with LRTP is 120'.

Johnson then advised, however, that the staff recommendation is still the 140' corridor, both at principal intersections and the mid-sections. It allows the greatest flexibility over the long term; allows for additional things to change as the community changes; and allows for additional large intersections to occur mid-mile.

Steward referred to the proposed language, "Figure 32a illustrates the area of application.....Fringe Area Public Way Corridors are predominantly defined by the mile section line roadway framework as it extends beyond the current City Limit and is generally associated with Lincoln's Future Urban Area Boundary." Steward interprets this to mean that we would have comprehensive and sectoral planning flexibility in the future to define these corridors off of the one-mile if circumstances call for it. Nicole Fleck-Tooze of the Planning staff explained that it would require a separate comprehensive plan amendment, but it could be accomplished and would be evaluated at the time the roadways are designated.

Opposition

1. Mark Hunzeker appeared on behalf of the **Home Builders Association of Lincoln and Lincoln Board of Realtors** in opposition. This is a proposal which will extract an excessive amount of right-of-way (r.o.w.) from every subdivision abutting a section line road within the Future Urban Area. 140' of r.o.w. is not required to do what is necessary to transport people around in this community. None of the streets identified in the LRTP indicate a need for this much r.o.w. We have asked and there has been no response to the question of, "Where else on the planet does a requirement of this magnitude exist?" A lot of this relates to aesthetics and to providing a pleasant view as you drive along these streets. It would be very, very difficult under the Supreme Court standards, both here in Nebraska and federally, to justify requiring dedication of this much r.o.w. in any development, particularly a residential development. It amounts to taking an additional 10 acres of land out of every single section bordered by these rights-of-way. 10 acres equates to something between 30-40 dwelling units. This is something that will contribute to, and will not improve, the concerns with respect to sprawl and using additional land for the same number of dwelling units. It seems that there are a large number of concerns which have been raised, some of which are addressed by the staff saying it doesn't have to all be r.o.w., but rather waivers of setbacks, easements, etc.; however, none of those regulations have been proposed, and the staff is saying they will not implement this concept until such time as those regulations come forward. Yet, Hunzeker is involved in at least two projects where this concept is being thrust upon developers basically saying "this is what we are going to require and if you don't agree to it, we're going to have a problem". This amendment should not go forward until we see those regulations. We think the existing 100' corridor with the additional 5' on either side, saying you shall not put a fence on the property line, will provide all the room that is necessary.

In addition, Hunzeker believes the alternative discussed in the meeting was 110' (not 112').

Hunzeker stated that his clients are willing to address compromises on these issues but they have not yet seen any regulatory proposals that will assure that those things are going to be implemented in a way that works.

Hunzeker requested that this Comprehensive Plan Amendment not be adopted and, at a minimum, placed on the pending list until proposed regulations come forward. Or in lieu of the 140' corridor concept, Hunzeker submitted the following alternative:

In lieu of the adoption of Comprehensive Plan Amendment No. 94-58, the Planning Commission recommends that the Planning Department be directed to pursue amendments to the Zoning Ordinance and Design Standards for screening and landscaping to provide that required landscape screens abutting arterial streets be of live plant material; that fences be placed a minimum of 5 feet outside the street right-of-way to allow for such landscaping; and that such fences include a gate permitting access for maintenance of the landscape screen and the right-of-way abutting the private property.

The staff has not had the opportunity to review this alternative, but Hunzeker does not believe this proposal is urgent.

Schwinn noted that the way we negotiate development in this community has made the front page of the newspaper and it becomes public knowledge. As you go forward with the plans you are working with now, are there concessions from the city in terms of granting these rights-of way? Is the city willing to pay for this right-of-way? Hunzeker answered, "no". If there were regulations adopted that said it had to be dedicated he believes the City would ultimately have to pay for it. He does not believe there has been any discussion about the cost of this and how it is going to be maintained.

Hunter recalled testimony previously that this would add about \$750 to the cost of a home in an average development. Hunzeker believes it will be costly. Acquisition of the right-of-way is expensive; the concept of building 28' wide medians, etc. is more costly; there have been some numbers that have been submitted and shifted around. There is no dispute over the fact that this is going to cost a lot more money annually to maintain 140' of right-of-way.

2. Kent Seacrest appeared on behalf of **Ridge Development Company and Southview, Inc.** in opposition. They have participated in some of the meetings with staff and they are “not quite there” on a lot of fronts. The proposal shown today was probably instigated by Seacrest’s thinking. The citizen expects our right-of-way to move traffic, provide utility easements, and aesthetics. Some of the community prioritizes that and would pay for it, but other parts would not prioritize that or they would put it in the interior of the subdivision along the drainage ways instead of on a high traffic high speed street. While this policy is aesthetically pleasing, it will cost a considerable amount of money for acquisition and maintenance. He cautioned that the worst thing to do is get all this space and not do it correctly. Buffalo grass is not the solution. Seacrest submitted that the Comprehensive Plan credibility is at stake. Too often we have not figured out the important details. We put a concept in and then we don’t follow through with the details. We load the Comprehensive Plan up with things that we don’t implement. This proposal needs to be put on pending to work on the details to see if it is viable. If the details are viable, then we can put it in the Comprehensive Plan along with the design standards and go for it. If the details are not viable, then don’t do it. Are we being fair to the Parks Department? He is scared that this extra cost will end up on their back. Will they get extra money or will it come out of the Parks budget? Is the city ready to go fund the other half of the right-of-way? This question has not been answered and it is imperative. The money has to be balanced with other public interests. The bike trails should not be on the arterials at all, except in a handful of cases. The bike trail should go up the drainageways. We should not be trying to master plan the bike trails on the arterials.

Seacrest appreciates the comments by Public Works that this is a four lane plan. But he thinks it should be sent back for more work. We need to figure out who is paying, and what type of landscape materials we are really going after. Who is going to maintain it? Where are the fences? He does not like the amendment that limits the number of corridors. We should be going out even further if we’re going to do this. Why aren’t we getting the County to go out early and acquire the right-of-way? The County needs to be brought into this process.

Staff questions

Carlson indicated that he has attended a lot of the meetings and he wonders whether the questions that were raised have been addressed at those meetings. Fleck-Tooze explained that as we go forward with these corridors we will be looking at grading the entire cross-section, with the concept of having the plantings completed at the same time as the street trees. It may be that there would be circumstances in which the city would need to acquire r.o.w. on the other side of the centerline. She reminded the Commission that the County Engineer used to have 66' of r.o.w. on the county road network and in nearly all the corridors identified here, the County Engineer is requiring 100'. We’ve talked about trying to implement this concept in a way that may not require additional right-of-way, such as outlots, easements, etc., to accommodate the landscaping and trail or sidewalk, so it may or may not be 140' of r.o.w.

Carlson wondered whether there is language that makes implementation contingent upon statutory approval. Fleck-Tooze pointed out that the revised staff recommendation on September 6th did add the following language:

Ordinance and design standard revisions....are intended to be adopted to implement the Boulevard Concept. In particular, revisions recommended relative to lot depth and setback requirements should be adopted prior to implementing the concept.

The staff has made a commitment to make the ordinance changes prior to implementing the concept. These changes are laid out quite specifically in the study document. If this amendment were adopted, there would be a period of time before it is implemented where staff would be making the revisions to the design standards and ordinances as recommended by the study.

Carlson wanted to know how to tell the difference between a recommendation and a requirement. Fleck-Tooze believes that if 140' were the amendment, it would be clear that that was not a requirement until we have the ordinances in place. If there were a way to look at possibilities for outlots or other things to compose a larger corridor as subdivisions come forward, there is no reason it couldn't be raised for discussion. The requirement would not be in place until the ordinance changes had been completed.

Carlson inquired whether the issue of maintenance of landscape materials has been addressed. Fleck-Tooze noted that today, in general, there is a requirement that the abutting property owners maintain the area between their property line and the curb, so there is today such a requirement for maintenance. That would stay the same and would not change. This proposal simply pulls the street trees and landscape screen into that corridor and it becomes an amenity on both sides.

Carlson wanted to know whether staff believes the details have been addressed. Fleck-Tooze believes that they have. The staff has responded to comments; has made revisions; and has made commitment to do the amendments to the ordinances. This is a Comprehensive Plan Amendment. The Comprehensive Plan is a guide for direction and that is typically the first step – developing a concept. The opponents are wanting greater design detail.

Hunter wanted confirmation that the city has the capability of taking care of these boulevards (center medians), or will they wind up being weed traps? She lives inside the city and the city cannot maintain her boulevard. How is the city going to take care of these boulevards? Lynn Johnson of Parks & Recreation stated that the proposal is for minimum maintenance grasses that only require mowing once or twice a year. It will be buffalo grass. If there is an interest by the business owners or homeowners association, the recommendation would be that those people participate not only in funding the improvements but also in the ongoing maintenance. He used the Country Club area as an example. We will see something similar to what Capitol Parkway looks like between 27th & A now – small ornamental trees and low maintenance turf of buffalo grass or some similar species. It will not be irrigated turf; it will not be dark green during the summer. By providing the space for snow storage on these medians, we can shift some resources to make sure we are on these boulevards two or three times a year.

Response by the Applicant

Allan Abbott, Director of Public Works and Utilities gave the rebuttal testimony. He agrees that this r.o.w. is not needed to transport people if we're talking about width needed for automobiles. It is an aesthetics and an amenity issue for which the additional r.o.w. is being requested. The pavement width remains essentially the same in all alternatives. Whether sidewalks or trails are appropriate alongside an arterial is in the view of the beholder. Most people, most planning agencies and most highway transportation agencies recognize sidewalks and trails as an integral part of the transportation

system today. If we are trying to get people out of their cars, the inclusion of trails and sidewalks along arterials is not unusual. He does agree, however, that trails for recreational purposes are best off the arterials.

Will we be asking the developer to dedicate all r.o.w.? We currently have the Infrastructure Financing Study in process which is anticipated to conclude at the end of this year with the hope of having the methodology of how we are going to proceed with the developer's fair share and the city's fair share, and whether the r.o.w. is 140' or 120' will not affect that decision.

Abbott acknowledged that the criteria of for these amendments to the ordinance have not been developed; however, he has only been with the city for 18 months and he has not found where the city has not followed through on its commitment. We will come up with the amendments to the ordinances.

Have we been negotiating for 140'? Abbott stated, "yes". It would not make much sense, knowing that we have development occurring along roadways which are part of this fringe development, to stick with the 100' or 120' that we now have without at least attempting to negotiate for more, but he clarified that the city is not demanding it.

Cost and maintenance are all issues and are a concern, and yes, it will cost more. The cost is something that must be considered before this moves forward. It comes down to what we want our city to look like within the fringe areas. He wishes we would have had this vision for 27th, 84th, Pine Lake, etc., because it would be a lot less traumatic now. Abbott urged the Commission to look 25-30 years into the future.

Abbott stated that sending this proposal back is not an option. We've been here four times. We do have disagreements. He does not know what else we can talk about. We have different interests at stake here. The city is trying to represent the community views as well. Please do not defer this proposal any further.

As far as what has been discussed, Abbott referred to the LRTP which is now approved with 120' r.o.w. between intersections. 140' at the intersection is an option. Staff recommends 140' and requests that this be acted upon today.

As to the possibility of placing this amendment on pending, Rick Peo, City Law Department, advised that it would not be appropriate. The applicant does not desire to have it on pending and without their concurrence the Charter requires the Planning Commission to make a recommendation to the City Council within a reasonable length of time. If the Commission believes there are deficiencies in the Comprehensive Plan Amendment, that might be reason to recommend denial, but it should not be placed on pending.

Hunter wanted clarification that whether the recommendation is 120' or 140', it does not impede our ability to increase traffic lanes. Abbott advised that traffic lanes within the 120' or 140' r.o.w. are the same. The median width at 112' does not allow dual lefts. The additional 20' is aesthetics, amenities, space for utilities, etc. The 140' is not for pavement for moving vehicles.

Schwinn asked Abbott to respond to the allegation that the staff has not made any compromises. If you are faced with a vote of no or a compromise, what is your fallback position? Abbott believes that requires a definition of "compromise". He believes the staff started at 150' to 160' r.o.w. It has been reduced to 140' as a result of a lot of discussions within the area. We have 120' within the LRTP. He agreed that the staff has not narrowed 10' and has not come down to 112', which is less than what we have now.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

October 18, 2000

Motion #1. Steward moved approval of the staff recommendation, seconded by Newman.

Steward does not think this proposal is ever going to be perfect and comfortable for everyone. This is a master planning comprehensive planning issue. It suggests a change in attitude and philosophy on the part of the city--not just about the amount of land required, but about the an aesthetic and character of major arterials within the city. If this decision had been made 20 years ago, we would have a city that was pleasing and attractive with a more effective alternative transportation system that more and more people might be using. Personally, he believes that if we were going to do this absolutely to the best of our capability, we might have put it off until the Comprehensive Plan revision process and look at a whole range of interconnected and interdependent kinds of decisions, such as bike trails, topographies, the one-mile section line, etc. He is recommending that this amendment be approved on the basis that he believes this is the best direction with the longest view for corridor acquisition that the city can take. He believes it is unrealistic and a bit imperialist for the development community to threaten the process with higher cost for the consumer. Higher cost out of this proposal simply means that it might be if we do business as usual in between the one-mile intersections. This process is likely to have an impact on subdivision structures, on certain density characteristics, and other ways to accommodate maximizing the land use in between. He would guess that the comment is correct that there might be several hundred dollars if we continue to plan the same way that we have been in between major arterials, but that is another subarea plan question--the whole county plan is a question. We need to get on with this decision.

Schwinn agreed with Steward about promoting new land use issues or ways we look at land use and he would like to see more land use issue changes in the way we do development; however, he will vote in opposition. We have not shown anything in traffic engineering manuals; we're cutting new ground here; if we want to do this as a city, the city needs to work in partnership with the developer to create the first mold rather than putting it in the Comprehensive Plan before we even see that it works; he has not seen a constituency backing this; there is nothing that makes room for any kind of public transit; the gas company is not here; Time Warner is not here; Alltel is not here; the public has not indicated much support other than the Audubon Society; and we've already gone to 120' on the LRTP so we're already moving toward a little wider corridor. He is not sure we need to build these monuments to our automobiles. You want to see these amenities where you can enjoy them--not where you are driving 35-55 mph. It has not been demonstrated that we have a need.

Carlson commented that people keep you using aesthetics in a negative sense and he is not sure why that is. Some of it is psychological. 27th between A and South is four lanes but the houses literally hang over the street. The negative aesthetics can have a blighting influence on the neighborhood. Aesthetics can have a genuine economic and livability impact. If we can get out into the county, this is an example of beginning to get ahead of the curve. We need to respond to opportunity as opposed to responding to crisis. He believes this is an instance where we are trying to respond to opportunity and the aesthetics are very important and translate into a more livable community and take away a potential crisis situation.

Taylor agreed with Steward and partly with Schwinn, except he does not see any constituencies here in support or that say we need this. He commends the staff for the great work they are doing. He likes the idea and the aesthetics. He supports this.

Newman attended the East “O” street meetings and people screamed, “why don’t we look 20-40-50 years in the future?” That is the constituency and they will be here in another 20 years if we don’t pass this.

Bayer stated that he will vote in opposition because he thinks 140' is too much. He does strategic planning and there is a philosophy that says “form follows function”. He ended up thinking whether we need 140'. He was stuck there. It comes to what our vision is for the future. He does not want trails on the boulevard. He does not want to live on a boulevard that is 140' wide. He liked the 130'/112' alternative because it broke up the drive. He wants it to happen but he does not want it to happen breaking the bank of the community not being able to maintain it.

Vote on Motion #1. Motion for approval failed 4-5: Carlson, Steward, Newman and Taylor voting ‘yes’; Duvall, Krieser, Hunter, Schwinn and Bayer voting ‘no’.

Steward wanted to recommend sending this proposal to the Comprehensive Plan Committee without a designation of width. This would, in a sense, give more time that has been asked for, but more importantly, he believes it ties the ball squarely to the overall objective of the comprehensive plan revision and that is where he would like to head.

Hunter has supported this amendment ever since it was first published, but she has spent a lot of time in the past couple of weeks driving down 27th up to Pine Lake and she sees an intersection at Pine Lake and 27th which resembles what we are talking about and it is absolutely huge. We need some future planning and that is going to require us to step out a little further and plan for that footage. We’re saying the paths are going to be next to the roads and she thinks it is more thoughtful to be looking at these paths to be put in the developments where they are more user-friendly. While looking at costs, if we are not impeding the establishment of the number of lanes that may be needed for traffic and still providing an aesthetic value, then she thinks that is where the compromise has to come in. The 140' situation all the way down in her opinion is, on a long range basis, more than we need, and the cost to the city and the people is overwhelming.

Rick Peo suggested that referring this to the Comprehensive Plan Committee would equate to pending status. The applicant is requesting a recommendation of approval or denial. The Planning Commission responsibility is to review Comprehensive Plan Amendments proposed by the Planning Director and make a recommendation within a reasonable length of time. It is not the Commission’s prerogative to say they are not going to make a decision.

Motion #2. Bayer moved approval, replacing 140' with the 130'/112' alternative as presented by staff, seconded by Krieser. This would be 130' at the intersections and 112' at the mid-section.

Steward wonders why the Commission is having so much difficulty with this decision. What does this do for the 120' that has already been approved in the LRTP? The logic here escapes him. We are about to make a decision that may become an interim decision within a short period of time.

Where does that leave the City in negotiations? We’re setting up another barrier for working relationships by moving in this direction.

Hunter is uncomfortable and her thought in the whole situation was that we probably need some of these wide corridors at the intersections because of turn lanes, etc. She asked staff if this was something that is absolute implementation or the maximum potential and the answer she got was that it was the maximum potential. She has heard comments to the contrary. So she is not comfortable as the maximum may not be appropriate in some areas. She does not want to make a number less than something that has already been adopted.

Taylor understood that this would be the maximum that could be utilized and not necessarily implemented all at once. Bayer guaranteed that it is the maximum.

Bayer went on stating that 140' was never what they were going to do everywhere—it is what they wanted to have the flexibility to do. The question becomes, do we want government to ask for more when they need it? Or give them what they've asked for and trust that they will use it wisely? 140' was not a mandate to take 140' on every road—it was to give flexibility. Bayer made this motion of 130'/112' based on what has been submitted because he believes that will get us to where we need to be and if there are special circumstances, let's have them come back.

Bayer also pointed out again that the Planning Commission is a recommending body. Whatever we do is our recommendation. It is clear today that we have put thought into this decision. In this case, we're passing something on to the Council.

Carlson believes it is more appropriate that the recommendation not be 140' and hope that the Council reads the minutes. Bayer believes his motion does that. Just as the Planning Commission can easily change the number, he believes the staff will still recommend 140' to the City Council.

Duvall believes the Commissioners are getting caught up in defining things that go against the original intent. "We are tripping ourselves up here".

Vote on Motion #2. Motion to approve Comprehensive Plan Amendment No. 94-58, as set forth in the staff recommendation dated September 6, 2000, with amendment replacing 140' with 130'/112' failed 4-5: Duvall, Krieser, Schwinn and Bayer voting 'yes'; Carlson, Steward, Hunter, Newman and Taylor voting 'no'.

Motion #3. Hunter moved to approve the Comprehensive Plan Amendment as set forth on the revised staff recommendation dated September 6, 2000, with amendment to a 130'/120' alternate, seconded by Schwinn.

Hunter pointed out that this complies with the LRTP that was recently approved at 120' mid-section. The difference is that we change the landscaping opportunity.

Steward asked staff whether this recommendation of 120' mid-section eliminates the boulevard. Fleck-Tooze advised that it would not eliminate the boulevard between intersections but would make it narrower. Most of the width would come from the edges between the sidewalk and the property line with less opportunity for the landscape screen. She believes it would maintain the boulevard concept.

Carlson believes it should be 5' on the other side of the landscaping opportunity. What is the change in landscaping opportunity at 130' versus 140'? It was explained that the 130' is at the intersection. This gives 10' between the sidewalk and the property line. Bayer suggested that this gives 120' corridor for the staff to do what has been proposed similar to the diagrams. The 120' provides a greater amount of distance between the sidewalk and the property line. We're identifying 120' mid-section corridors similar to the diagrams but the dimensions are not exact.

Hunter does not believe anyone is saying it has to look exactly like the diagram. She fully expects to see developers in here opposing this with their development projects, and she fully intends to look at each one of those situations with a watchful eye.

Fleck-Tooze advised that it was intended to be the full width but all dimensions in between were for the benefit of showing how they could be distributed but not specific and exact.

Carlson wanted to know whether the City Council could increase or decrease the Planning Commission recommendation. Peo advised that the City Council can approve or deny the PC recommendation. To change a recommendation to revert to a different number than recommended by the Planning Commission, it would take 5 Council votes. In other words, whatever the Planning Commission adopts, it will take five votes of the Council to change the Planning Commission recommendation.

Vote on Motion #3. Motion to approve the revised Planning staff recommendation dated September 6, 2000, with amendment to the 130'/120' corridor failed 4-5: Krieser, Hunter, Schwinn and Bayer voting 'yes'; Duvall, Carlson, Steward, Newman and Taylor voting 'no'.

Motion #4 and Vote on Motion #4. Schwinn moved to deny the Comprehensive Plan Amendment, seconded by Carlson and carried 5-4: Duvall, Krieser, Hunter, Schwinn and Bayer voting 'yes'; Carlson, Steward, Newman and Taylor voting 'no'.

Motion #5 - Reconsideration. After a brief recess, Hunter moved to reconsider the action taken on Comprehensive Plan Amendment No. 94-58, seconded by Bayer.

Hunter believes we need to move this forward and our vote to deny puts this issue on non-movement. She believes there was some confusion in terms of how the Commissioners voted.

Vote on Motion #5 - Reconsideration. Motion to reconsider carried 9-0: Duvall, Krieser, Carlson, Steward, Hunter, Schwinn, Newman, Taylor and Bayer voting 'yes'.

Motion #6 - Reconsideration. Hunter moved to approve the Planning staff recommendation of September 6, 2000, with amendment to a 130'/120' corridor, seconded by Steward.

Motion to amend Motion #6. Taylor moved to amend to 136'/120'. Motion failed for lack of a second.

Steward noted that he had previously voted against this recommendation, but he will support it at this point. He explained that as a member of the Comprehensive Plan study committee, he can assure that at least within that committee this will be seriously, broadly and comprehensively discussed. He will support this motion for the sake of what he believes will be lack of disruption in developer/planning staff relationships in the interim.

Carlson stated that he will support the motion because he thinks the concept is important and he is not satisfied with a recommendation of denial. The idea is important but the numbers are at issue.

Vote on Motion #6. Motion to approve the Planning staff recommendation as revised on September 6, 2000, with amendment to a 130'/120' corridor carried 9-0: Duvall, Krieser, Carlson, Steward, Hunter, Schwinn, Newman, Taylor and Bayer voting 'yes'.